

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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EAST RIVER REALTY COMPANY LLC, :

USDC SDNY
DOCUMENT
MURKIN, CLAY R.
DCC #: 8/22/06
DATE FILED: 8/22/06

Plaintiff, : 06 Civ. 5417 (WHP)

-against- : SCHEDULING ORDER NO. 2

TRC COMPANIES, INC., TRC :
ENGINEERS, INC., and TRC
ENVIRONMENTAL CORPORATION, :

Defendants. :
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WILLIAM H. PAULEY III, District Judge:

Counsel to all parties in this civil action having appeared for an initial pre-trial conference on the record on August 11, 2006, the following schedule is entered on consent:

1. Defendants shall file and serve their motion to dismiss by August 25, 2006;
2. The parties shall serve their written document requests upon one another by August 25, 2006;
3. Plaintiff shall file and serve its opposition to Defendants' motion to dismiss by September 8, 2006;
4. Defendants shall file and serve their reply papers, if any, on the motion to dismiss by September 15, 2006;
5. The parties shall serve their written responses to document requests and exchange documents by September 15, 2006;
6. Oral argument on the motion to dismiss shall be held on September 22, 2006 at 11:00 a.m.;
7. No depositions shall take place before September 22, 2006. The parties may write to the Court in advance of the September 22, 2006 conference regarding whether depositions should proceed after the September 22, 2006 oral argument or await the Court's decision on the motion to dismiss;
8. In the event the Court determines at the September 22, 2006 oral argument that depositions shall proceed, depositions shall begin on October 3, 2006.

Fact depositions are limited to five (5) per party (including non-party depositions). The parties shall meet and confer regarding requests for additional depositions and, if the parties cannot agree, either party may write a letter to the Court requesting additional depositions.

9. Fact discovery is to be completed by November 3, 2006;
10. The parties shall meet and confer to agree on a schedule for expert discovery, which shall include the following events and sequence: plaintiff first designates its expert[s]; defendants then designate their experts[s]; the parties will thereafter exchange expert reports simultaneously; thereafter, the parties will exchange rebuttal reports simultaneously; and the parties will agree on the dates and times for expert depositions (in addition to the five depositions set forth above) in advance of trial;
11. All motions in limine shall be served and filed by November 21, 2006, with any opposition to be served and filed by November 28, 2006, and any reply to be served and filed by November 29, 2006;
12. The parties shall submit a joint re-trial order in accord with this Court's Individual Practices by November 29, 2006;
13. The parties shall jointly submit substantive jury charges to the Court, in electronic format, by November 30, 2006;
14. A final pre-trial conference shall be held on December 1, 2006 at 11:00 a.m.;
15. Jury selection and trial shall commence on December 4, 2006 at 9:45 a.m.

Dated: August 21, 2006
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

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